

108TH CONGRESS
2D SESSION

S. 2980

To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2004

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nunn-Lugar Coopera-
5 tive Threat Reduction Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The possession by hostile states or terrorist
9 groups of nuclear, chemical, and biological weapons
10 of mass destruction or related materials or means of

1 delivery represents the greatest threat to the na-
2 tional security of the United States in the 21st cen-
3 tury.

4 (2) It is the highest priority of the United
5 States to protect its territory, people, armed forces,
6 allies, and friends from attacks by dangerous re-
7 gimes or terrorist groups using weapons of mass de-
8 struction or related materials or means of delivery.

9 (3) It is the policy of the United States to en-
10 sure and strengthen verification and compliance with
11 the Treaty on the Non-proliferation of Nuclear
12 Weapons, done at Washington, London, and Moscow
13 July 1, 1968, and entered into force March 5, 1970
14 (commonly known as the “Nuclear Non-Proliferation
15 Treaty”), the Convention on the Prohibition of the
16 Development, Production, Stockpiling and Use of
17 Chemical Weapons and on Their Destruction, with
18 Annexes, done at Paris January 13, 1993, and en-
19 tered into force April 29, 1997 (commonly known as
20 the “Chemical Weapons Convention”), the Conven-
21 tion on the Prohibition of the Development, Produc-
22 tion and Stockpiling of Bacteriological (Biological)
23 and Toxin Weapons and on Their Destruction, done
24 at Washington, London, and Moscow April 10,
25 1972, and entered into force March 26, 1975 (com-

1 monly known as the “Biological Weapons Conven-
2 tion”), the safeguards system of the International
3 Atomic Energy Agency (IAEA), and the commit-
4 ments and control lists of the Missile Technology
5 Control Regime (MTCR), the Australia Group (AG),
6 the Nuclear Suppliers Group (NSG), and the
7 Wassenaar Arrangement on Export Controls for
8 Conventional Arms and Dual-Use Goods and Tech-
9 nologies (WA).

10 (4) The national security interests of the
11 United States have been well-served by the enact-
12 ment of the Soviet Nuclear Threat Reduction Act of
13 1991 (title II of Public Law 102–228; 22 U.S.C.
14 2551 note), (commonly known as the “Nunn-Lugar
15 Act”), its successor law, the Cooperative Threat Re-
16 duction Act of 1993 (title XII of Public Law 103–
17 160; 22 U.S.C. 5951 note), and the Defense Against
18 Weapons of Mass Destruction Act of 1996 (title
19 XIV of Public Law 104–201; 50 U.S.C. 2301 et
20 seq.), (commonly known as the “Nunn-Lugar-
21 Domenici Act”).

22 (5) The Nunn-Lugar Cooperative Threat Re-
23 duction program has, as of October 2004—

24 (A) deactivated 6,462 nuclear warheads;

1 (B) destroyed 550 intercontinental ballistic
2 missiles;

3 (C) eliminated 469 intercontinental bal-
4 listic missile silos;

5 (D) destroyed 13 mobile intercontinental
6 ballistic missile launchers;

7 (E) eliminated 135 bombers;

8 (F) destroyed 733 nuclear air-to-surface
9 missiles;

10 (G) eliminated 408 submarine-launched
11 ballistic missile launchers;

12 (H) eliminated 530 submarine-launched
13 ballistic missiles;

14 (I) destroyed 27 strategic nuclear sub-
15 marines; and

16 (J) sealed 194 nuclear test tunnels or
17 holes.

18 (6) On February 11, 2004, President George
19 W. Bush called for the expansion of the Nunn-Lugar
20 Cooperative Threat Reduction program, stating: “I
21 propose to expand our efforts to keep weapons from
22 the Cold War and other dangerous materials out of
23 the wrong hands. In 1991, Congress passed the
24 Nunn-Lugar legislation. Senator Lugar had a clear
25 vision, along with Senator Nunn, about what to do

1 with the old Soviet Union. Under this program,
2 we're helping former Soviet states find productive
3 employment for former weapons scientists. We're
4 dismantling, destroying, and securing weapons and
5 materials left over from the Soviet WMD arsenal.
6 We have more work to do there.”

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) all United States capabilities must be uti-
10 lized to prevent acts of catastrophic terrorism using
11 weapons of mass destruction or related materials or
12 means of delivery;

13 (2) in order to prevent acts of catastrophic ter-
14 rorism using weapons of mass destruction or related
15 materials or means of delivery, the United States
16 must pursue a strategy making full and effective use
17 of multilateral and bilateral agreements, export con-
18 trols, missile defense, arms control, threat reduction
19 assistance, interdiction efforts, export controls, and
20 United States proliferation sanctions;

21 (3) the United States must not allow the
22 world's most dangerous weapons to fall into the
23 hands of dangerous regimes and terrorist groups;

24 (4) the United States must hold nations ac-
25 countable for all violations of international non-

1 proliferation treaties, norms, and standards of con-
 2 duct, and to the extent that it is consistent with
 3 United States law and policy, provide assistance to
 4 ensure that such treaties, norms, and standards of
 5 conduct are upheld rather than violated; and

6 (5) the President must be provided the author-
 7 ity to use Nunn-Lugar Cooperative Threat Reduc-
 8 tion funds in a manner consistent with the high
 9 value Congress and the President have placed on Co-
 10 operative Threat Reduction programs to reduce the
 11 threat posed to the national security of the United
 12 States and international peace and security by the
 13 proliferation of weapons of mass destruction or re-
 14 lated materials or means of delivery.

15 **SEC. 4. COOPERATIVE THREAT REDUCTION PROGRAMS DE-**
 16 **FINED.**

17 In this Act, the term “Cooperative Threat Reduction
 18 programs” means programs and activities specified in sec-
 19 tion 1501(b) of the National Defense Authorization Act
 20 for Fiscal Year 1997 (Public Law 104–201; 110 Stat.
 21 2731; 50 U.S.C. 2362 note).

22 **SEC. 5. REPEAL OF RESTRICTIONS.**

23 (a) SOVIET NUCLEAR THREAT REDUCTION ACT OF
 24 1991.—Section 211(b) of the Soviet Nuclear Threat Re-

duction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(b) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(c) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

SEC. 6. INAPPLICABILITY OF OTHER RESTRICTIONS.

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 7. EXEMPTION FROM LIMITATIONS.

Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

1 **SEC. 8. MODIFICATIONS OF AUTHORITY TO USE COOPERA-**
 2 **TIVE THREAT REDUCTION PROGRAM FUNDS**
 3 **OUTSIDE THE FORMER SOVIET UNION.**

4 Section 1308 of the National Defense Authorization
 5 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
 6 1662; 22 U.S.C. 5963) is amended—

7 (1) by striking “President” each place it ap-
 8 pears and inserting “Secretary of Defense”;

9 (2) in subsection (a)—

10 (A) by striking paragraph (2); and

11 (B) by striking “each of the following” and
 12 all that follows through the end and inserting
 13 the following: “that such project or activity
 14 will—

15 “(1)(A) assist the United States in the resolu-
 16 tion of a critical emerging proliferation threat; or

17 “(B) permit the United States to take advan-
 18 tage of opportunities to achieve long-standing non-
 19 proliferation goals; and

20 “(2) be completed in a short period of time.”;

21 (3) by striking subsections (c) and (d); and

22 (4) by redesignating subsection (e) as sub-
 23 section (c).

1 **SEC. 9. SPECIAL REPORTS ON ADHERENCE TO ARMS CON-**
2 **TROL AGREEMENTS AND NONPROLIFERA-**
3 **TION COMMITMENTS.**

4 (a) **REPORTS REQUIRED.**—At least annually, the
5 Secretary of State shall submit to the Committee on For-
6 eign Relations, the Committee on Armed Services, and the
7 Committee on Appropriations of the Senate and the Com-
8 mittee on International Relations, the Committee on
9 Armed Services, and the Committee on Appropriations of
10 the House of Representatives a report on each country in
11 which a Cooperative Threat Reduction program is being
12 carried out. The report shall describe that country's com-
13 mitments to—

14 (1) making substantial national investments in
15 infrastructure to secure, safeguard, and destroy
16 weapons of mass destruction;

17 (2) forgoing any military modernization exceed-
18 ing legitimate defense requirements, including re-
19 placement of weapons of mass destruction;

20 (3) forgoing any use of fissionable materials or
21 any other components of deactivated nuclear weap-
22 ons in a new nuclear weapons program;

23 (4) complying with all relevant arms control
24 agreements;

1 (5) adopting and enforcing national and inter-
2 national export controls over munitions and dual-use
3 items; and

4 (6) facilitating the verification by the United
5 States and international community of that coun-
6 try's compliance with such commitments.

7 (b) FORM.—The reports required under subsection
8 (a) may be submitted with the reports required under sec-
9 tion 403 of the Arms Control and Disarmament Act (Pub-
10 lic Law 87–297; 22 U.S.C. 2593a).

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